

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DEXTER WELCH,

Plaintiff,

v.

**UNITED NETWORK FOR ORGAN
SHARING and VANDERBILT
UNIVERSITY MEDICAL CENTER,**

Defendants.

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**Civil Action Number 3:24-CV-422
District Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Barbara D. Holmes**

DECLARATION OF JULIE ANNE HALTER

I, Julie Anne Halter, declare and state as follows:

1. I am an attorney licensed to practice law in the State of Washington, a partner in the Seattle office of K&L Gates LLP ("K&L Gates"), and the practice group coordinator for our firm's e-Discovery Analysis & Technology practice group. My practice includes complex commercial and business litigations, arbitrations, and government and internal investigations, particularly as they relate to managing large, document-intensive cases, specifically those involving electronic discovery. For more than 20 years, I have led and supervised teams of attorneys and technical analysts to facilitate the collection, processing, analysis, and production of documents, including electronically stored information ("ESI"), on behalf of clients in litigation and investigation matters. K&L Gates represents Defendant Vanderbilt University Medical Center ("VUMC") in the above-captioned matter.

2. I make this Declaration based on my personal knowledge formed after a reasonable inquiry into the topics discussed herein. I am over the age of eighteen and could testify competently to the contents of my Declaration if called to do so.

3. As part of K&L Gates' representation of VUMC in this matter, and the ongoing expedited discovery efforts therein, I was responsible for overseeing the process of identifying, collecting, reviewing, and producing documents responsive to Plaintiff's discovery requests.

4. On Wednesday, September 25, 2024, my partner Erin Palmer Polly advised me that the Court had ordered VUMC to review the 15,540 documents captured by the search terms listed below for 6 identified doctor custodians including Drs. Rachel Forbes, Talat Alp Ikizler, Seth Karp, Julia Lewis, Neil Sanghani, and Ebele Umeukeje.

Name	Documents With Hits	Documents With Hits, Including Group
gfr* AND bias*	2,327	5,822
gfr* AND disparit*	1,481	4,241
gfr* AND inequit*	378	1,056
gfr* AND racial*	1,675	4,680
gfr* AND racist	76	220
gfr* AND "Campaign Against Racism"	67	139
gfr* AND accura*	3,511	8,879
gfr* AND black	2,897	7,705
gfr* AND "african american"	1,868	5,353
gfr* AND NKF	1,316	3,559
gfr* AND UNOS	605	1,870
gfr* AND "united network of organ sharing"	53	187
gfr* AND optn	389	1,444
gfr* AND "organ procurement and transplantation network"	208	733
gfr* AND ASTS	121	451
gfr* AND "american society of transplant surgeons"	132	400
"race-base*" AND bias*	337	843
"race-base*" AND disparit*	471	1,104
"race-base*" AND inequit*	240	576
"race-base*" AND racial*	500	1,127
"race-base*" AND racist	96	284
"race-base*" AND "Campaign Against Racism"	83	211
"race-base*" AND accura*	394	964
"race-base*" AND black	633	1,431
"race-base*" AND "african american"	377	974

Name	Documents With Hits	Documents With Hits, Including Group
"race-base*" AND NKF	282	616
"race-base*" AND UNOS	55	145
"race-base*" AND "united network of organ sharing"	3	7
"race-base*" AND optn	56	165
"race-base*" AND "organ procurement and transplantation network"	33	103
"race-base*" AND ASTS	28	86
"race-base*" AND "american society of transplant surgeons"	27	60

5. In response to an initial inquiry from Ms. Polly regarding the time it would take to complete this work, I projected that, leveraging a team of four dedicated attorney reviewers, the review and production effort would take several weeks. Ms. Polly advised me, however, that the production deadline was October 18, 2024.

6. Recognizing this very compressed time frame, over the next four business days, the K&L Gates team worked quickly to draft a Document Review Protocol containing detailed information about the case background, the requests for production, and the responsiveness criterion associated therewith, as well as case specific guidance regarding the attorney client privilege, peer review privilege, work product protection, and any other potentially applicable privileges. Our technical analysts worked to promote the 15,540 files into a document review workspace and to create case-specific coding layouts and protocols. We then mobilized a team of eight review attorneys who could be exclusively dedicated to the analysis of these files as quickly as possible. Ms. Polly and I, along with others, led a document review orientation meeting with these eight review attorneys on the morning of October 2, 2024. Immediately thereafter, the attorney review team began their work to analyze the 15,540 files for responsiveness to the Plaintiff's discovery requests, for the applicable protective order designation, and for privilege.

7. My original expectation was, and our standard practice is, to make rolling productions of documents as they became available. However in this case, even with eight review attorneys and two attorney supervisors, the initial pace of the document review was slow. As the review attorneys got up to speed on the facts, we answered their questions and provided feedback

regarding nuanced aspects of the analysis as quickly as possible. While the pace of review increased over time, we soon realized that if we paused the ongoing review so that we could make rolling productions of documents, it would put an already aggressive October 18, 2024, production deadline in jeopardy.

8. More specifically, for each document production volume that is created, there are a number of steps that must be taken to ensure accuracy and consistency across the production sets. For example, the document decisions applied to components of a compound family must be reviewed for consistency and any conflicting decisions reconciled. Document decisions must also be quality control reviewed to confirm that responsiveness, privilege, and privilege redactions are consistent across similar versions of the same document or email thread, and across rolling production sets. Doing so requires the attorneys who are reviewing the documents within the litigation support database to pause their work so that the technical analysts can identify the set of documents potentially eligible for production.

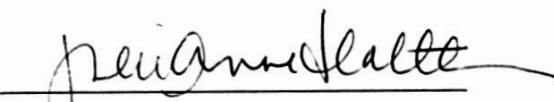
9. In addition to pausing their initial review work, at least some of those review attorneys must switch their efforts to focus on the substantive production quality control review, which means fewer attorneys are available to continue the first level review for responsiveness, confidentiality, and privilege.

10. In short, given the very compressed time frame within which our team was operating, pausing the review process to make even one interim production, let alone a series of rolling productions during a compressed two-week time frame, would have seriously jeopardized our ability to meet the October 18, 2024, production deadline.

11. Of the documents collected and produced through this process, none discuss, mention, or use the name Dexter Welch.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED this 20th day of December, at Seattle, Washington.


Julie Anne Halter

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon Filing Users via the electronic filing system and on other counsel via U.S. Mail, first-class postage prepaid, this December 23, 2024, on the following:

Matthew L. Venezia
George B. A. Laiolo
Christopher W. Arledge
Ellis George LLP
2121 Avenue of the Stars, 30th Floor
Los Angeles, California 90067

Jeffrey Alan Greene
1852 Wilson Pike
Franklin, Tennessee 37067

Daniel M. Blouin
Thomas G. Weber
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, Illinois 60601-9703

George H. Cate, III
Kimberly M. Ingram-Hogan
Bradley Arant Boult Cummings LLP
1221 Broadway, Suite 2400
Nashville, Tennessee 37203

/s/ Erin Palmer Polly_____